FINDING OF NO SIGNIFICANT IMPACT
FOR PROPOSED ISSUANCE OF AN INCIDENTAL TAKE PERMIT
(Permit Number TE089916-0)
PURSUANT TO SECTION 10(a)(1)(B) OF THE ENDANGERED SPECIES ACT TO AUTHORIZE INCIDENTAL TAKE OF THE FEDERALLY LISTED OHLONE TIGER BEETLE AND CALIFORNIA RED-LEGGED FROG
BY THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
FOR THE RANCH VIEW TERRACE FACULTY HOUSING DEVELOPMENT AND EMERGENCY RESPONSE CENTER,
UNIVERSITY OF CALIFORNIA, SANTA CRUZ,
SANTA CRUZ COUNTY, CALIFORNIA

The U.S. Fish and Wildlife Service (Service) proposes to issue an Incidental Take Permit (Permit) to the Regents of the University of California (UC Regents), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), and sign an Implementing Agreement (IA) for a Habitat Conservation Plan (HCP) for the Ranch View Terrace Faculty Housing and Emergency Response Center at the University of California, Santa Cruz (UCSC) campus, Santa Cruz County, California. The Permit would allow take of the federally endangered Ohlone tiger beetle [*Cicindella ohlone*(OTB)] and the threatened California red-legged frog [*Rana aurora draytonii*(CRLF)] (Plan Species). Take under the Permit may occur in association with construction and operation of the Ranch View Terrace faculty housing development, the Emergency Response Center (ERC), and management activities on the Inclusion Area A (IAA) and Inclusion Area D (IAD) Preserves.

Issuance of the Permit would be conditioned upon the proper implementation of the HCP and the IA. The proposed Permit would be in effect for 60 years from the date of approval.

Documents reviewed in the preparation of this Finding of No Significant Impact (FONSI) include:

- Final IA;
- The Final Ranch View Terrace HCP;
- Final Environmental Assessment;
- Final Section 106 Cultural Resources Inventory Report for the UCSC Ranch View Terrace Project; and
- Our intra-Service section 7 biological opinion on the proposed issuance of a 10(a)(1)(B) Permit.

These documents are incorporated by reference, as described in 40 CFR 1508.13.

Alternatives Considered

This section provides a description and analysis of the reasonably practicable alternatives to the proposed action available to the Service. Alternatives for the project were developed in accordance with Section 10(a) of the Act and NEPA. Three alternatives to issuance

of a Permit for the proposed project (herein referred to as the preferred alternative) were analyzed: (1) a no action alternative pursuant to which the Service would not issue a Permit for the construction and operation of a faculty housing development and an ERC; (2) an off-campus housing alternative; and (3) a reduced project alternative.

No Action Alternative

Under the No Action Alternative, the HCP would not be approved and the Permit would not be issued. The proposed project would not be developed and the objectives of the proposed project would not be met. The existing conditions, including inadequate on-campus housing for staff and faculty would continue. Without issuance of the Permit, the HCP and IA would not be implemented. This Alternative would not meet the needs of the applicant and the 25.5 acres of mitigation lands would not be conserved for the benefit of the Plan Species. Therefore, this alternative is considered infeasible.

Off-Campus Housing Alternative

Under this alternative, construction of the proposed faculty housing project would occur at an off-campus location known as the Swenson Site (Site). The 11-acre Site is located on Shaffer Road, adjacent to the UCSC Long Marine Laboratory in Santa Cruz. In accordance with the City of Santa Cruz' General Plan, the proposed housing would be clustered on 6 acres and the remaining land would be used for open space and development setbacks. Therefore, the Site would support a reduced number of housing facilities than the preferred alternative. Based on the building program used for the proposed project, approximately 44 units would be constructed under this alternative. The Site is located within the Coastal Zone and would require a separate plan, approved by the California Coastal Commission, to implement a housing project.

OTBs are not known to occur at this location. However, Watsonville loam soils are present which are considered suitable for OTBs. Construction of the project at this Site could have effects on OTBs because of the removal of up to 6 acres of unoccupied but potential habitat for the species. At least 5 acres of potentially suitable habitat for OTBs would remain on the 11-acre site.

CRLFs are thought to disperse across the Site and known breeding locations occur approximately 1.5 miles to the west near Wilder Creek. Construction of the faculty housing project on this Site could have greater effects on CRLFs than the preferred alternative because the Site is a known and active dispersal route for frogs. The housing project could be designed to allow continued dispersal of CRLFs across the site, but available dispersal habitat would be reduced. Effects on other special-status species from construction on the Swenson Site would be similar to those of the preferred alternative because of the similarity in habitat, however this alternative could also interfere with the ability of other wildlife to disperse between Antonelli Pond and Younger Lagoon.

Faculty and staff housing development at the Swenson Site would not fully meet project objectives related to the achievement of the UCSC Long Range Development Plan's (LRDP) housing goals as they address the number of units needed, locating and designing faculty

housing in a manner that supports a sense of community and a high quality of life, and locating housing to support the achievement of campus traffic management goals. Specifically, this alternative would approximately reduce by half the amount of housing units as the preferred alternative, resulting in a potentially adverse effect on the off-campus housing market and service providers. This could also result in the need for UCSC to construct the remaining units elsewhere in undeveloped areas of the campus, resulting in additional incremental impacts. For these reasons this alternative was not selected

Reduced Project Alternative

This alternative would entail constructing faculty housing within the IAD, but would provide for the construction of fewer housing units than the preferred alternative and would include less landscaped open space and fewer community-related amenities. Under this alternative, a total of 52 units would be constructed in the northwest area of the site and would not include the construction of a community center. Under this alternative, the ERC equipment storage facility would be constructed at the LPG site, which would be the same as that described for the preferred alternative.

Potential construction-related impacts to the Plan Species would be reduced under the Reduced Project Alternative. The likelihood for take would still exist under this alternative; however, similar to the preferred alternative, application of the construction avoidance and minimization measures would minimize potential construction-related effects on these species. Similarly, long-term effects to these species and their habitat would be lessened under this alternative due to the reduced footprint and human presence.

Specifically, this alternative would provide 32 fewer housing units than the preferred alternative. As such, this alternative would be less beneficial than the Proposed Action because it would not provide as many on-campus units. In addition to potential adverse effects on the off-campus housing market, this could place additional demands on off-campus service providers. This alternative would also reduce UCSC's ability to meet its goal of supporting 25% of faculty members and 50% of new staff on campus. This could also result in the need for UCSC to construct the remaining 32 units elsewhere in undeveloped areas of the campus, resulting in additional incremental impacts to the Plan Species. For these reasons this alternative was not selected.

Effects and Finding of No Significant Impact

The Service's proposed action is to issue a Permit to the UC Regents under Section 10(a)(1)(B) of the Act pursuant to the proposed terms in the HCP and IA. The Permit would authorize the incidental take of the Plan Species during construction, occupation, and operation of the proposed Ranch View Terrace faculty housing development, during construction of the proposed ERC, and during management of the IAA and IAD Preserves (Covered Activities). The Permit would also identify measures that would be implemented to avoid, minimize, and mitigate incidental take of the Plan Species during the 60-year term of the Permit.

The Permit would authorize take in the form of "capture," "harm," "kill," and "harassment" of the Plan Species. The proposed action would remove 7.5 acres of marginal upland habitat for the CRLF at the Ranch View Terrace site, and 0.20 acres of unoccupied but suitable OTB habitat. Because of the difficulty in quantifying take of the Plan Species, take of individuals was not estimated from the proposed Covered Activities. Additional details regarding the impacts of the proposed action on the habitat and Plan Species are provided in Chapter 4 (Environmental Consequences) of the EA, in our Findings and Recommendations document, and in our Biological Opinion.

To offset the loss of habitat and other potential impacts to the Plan Species, the UC Regents will permanently protect 13.0 acres on the IAA Preserve and will manage the site to maintain and enhance habitat for the Plan Species. The UC Regents will also protect 12.5 acres on the IAD Preserve during the 60-year Permit term and they will enhance the site to create a suitable habitat for the Plan Species. If OTBs colonize the site, protection may be extended beyond the term of the Permit. The UC Regents also will implement minimization measures in conjunction with the Covered Activities, and will monitor implementation of the HCP.

Pursuant to section 7 of the Act, we have prepared a biological opinion on the proposed action of issuing a Permit and signing an IA. In the biological opinion, we have concluded that our issuance of a Permit to the UC Regents is not likely to jeopardize the continued existence of the Plan Species. IAD is unoccupied by OTBs so the potential for disturbance, injury, or mortality from construction activities is unlikely. The proposed project will provide a net benefit to the OTB because occupied habitat will be preserved in perpetuity and managed for the benefit of the species. A very small amount of upland dispersal habitat for the CRLF would be affected by the proposed action. Breeding and feeding habitat would not be affected. In addition, preservation and management of upland dispersal habitat for the CRLF on 25.5 acres at the IAA and IAD Preserves will ultimately benefit the species by protecting occupied habitat from further development, and by maintaining the vegetation at an adequate height and density to provide sufficient cover. The UC Regents' proposed project is not within critical habitat for the CRLF. Therefore, none will be affected. Critical habitat has not been designated for the OTB.

In addition to analyzing effects on biological resources and cumulative effects, the EA evaluated the following aspects of the physical and human environment for potential significant effects as a result of the preferred alternative: visual resources, air quality, geology, geologic hazards and soils, mineral resources, hydrology, hazardous materials, cultural resources, land use and planning, noise, population growth and housing, public health hazards, public services and utilities, and transportation and traffic. General measures to minimize environmental effects were incorporated into the preferred alternative to reduce impacts to a level below significance for those issues for which potentially negative impacts were anticipated. Specifically, project measures were included in the EA for potential light and glare effects, potential erosion, groundshaking effects due to close proximity to several active faults, potential adverse water quality effects as a result of erosion and runoff, potential exposure to hazardous materials during construction, potential discovery of previously unidentified buried cultural resources during construction, and potential noise disruption to surrounding sensitive receptors during construction. Inclusion of these measures in the preferred alternative would reduce potential impacts related to these resource topics to a minimal level. Additionally, potential visual

resource and public service impacts of the preferred alternative would be reduced to a minimal level through implementation of UCSC LRDP design and visual resource guidelines, as well as measures in the LRDP Mitigation Monitoring Plan which address the adequate expansion of public services to serve increased on-campus demand. The EA found that increases in construction and operational air emissions and traffic would be negligible, as would effects to local public schools, parks and recreation facilities, and utilities. It also found that the preferred alternative would have a beneficial effect on on-campus parking. No significant effects to the physical or human environment are expected to result from Permit issuance.

Public Review and Comment

On July 23, 2004, we published a public notice in the *Federal Register* (69 *FR* 44054) regarding the availability of the incidental take permit application and soliciting comments on the permit application and draft HCP, IA, and EA. The 60-day public comment period closed on September 21, 2004. A total of 21 copies of the draft HCP, IA, and EA were distributed to individuals, Federal and State agencies, Federal and State elected officials, city and county governments, the UCSC McHenry Library, and the City of Santa Cruz Main Library. The documents were also available for review on the web page of the Ventura Fish and Wildlife Office.

By the end of the public review period, we received two comment letters. The comments in the letters were addressed by the Service in the set of findings and recommendations memorandum as part of the administrative record for this action. This FONSI and the Service's Findings and Recommendations document will be made available to all known interested parties. Following final action on this Permit application, the Service will publish a notice of Permit decision in the *Federal Register*.

Conclusion

In summary, as documented in the EA, biological opinion, HCP, and IA, the proposed issuance of a Permit for the incidental take of the Plan Species is not expected to result in significant impacts to physical and biological resources. The issuance of the Permit and implementation of the HCP and IA would not result in significant effects to the human environment.

The Service has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the NEPA. Accordingly, preparation of an environmental impact statement is not required.

John Engbring

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Date